

The Bar Council-Korean Bar Association Exchange
Korean Republic, April/May 2014
Helen Tung

Earlier in the year there was a call for barristers to take part in the Bar Council–Korean Bar Association (BC-KBA) Exchange from 28 April to 9 May 2014. This Exchange was a follow up from last year's when 6 Korean lawyers came to London for a few weeks to learn more about life in the UK and the English legal system. As a civil and commercial barrister handling some Korean client work, I thought it would be an excellent opportunity to learn more about the Korean legal market, legal education system and to meet some fellow lawyers and academics.

Concurrently, there was an email sent out inviting barristers of under 7 years call to apply for an International Legal and Professional Development Grant which offers partial funding for opportunities such as this. I applied for the Exchange, and a one-third grant from each of the Bar Council and the LCLCBA, at the same time and my applications were all accepted.

Six barristers were selected to attend the BC–KBA Exchange. Participants were Ian Higgins of 3 Verulam Buildings, Adam Board of Essex Court Chambers, Simon Miles of 20 Essex Street, Mark Stiggelbout of Quadrant Chambers, Laura Newton of 11 Stone Buildings and me of One Temple Avenue Chambers. Christian Wisskirchen, Head of International Relations at the Bar Council, led the delegation.

On the first day we met with Mr. Chulwan We and Mr. Young Ik Choi, President and Vice-President respectively of International Affairs at the KBA, and members of the International Committee and Officers of the KBA **[picture below]**. This was followed by an informative session where participants were provided an overview of Korean law, some history and development on Korean law and culture and a welcome reception.

The second day included a visit to a number of Korea's significant institutions, including the Supreme Court, Ministry of Justice and Seoul National University. At the Supreme Court of Korea where, significantly, there was an unmarked stone which would be engraved upon reunification **[picture below]**, the barristers were guided by an interpreter and we had the opportunity to visit the various Chambers. We spoke to two Judges, one who was in charge of international visits and one on disciplinary matters. It appears that in the Supreme Court, the roles of Judges are not limited to hearing cases and providing judgements. Rather there are some Judges who undertake research and work closely with other judges, for instance in a panel of judges.

Our next stop was the Ministry of Justice and it was located about 45 minutes away from the centre of Seoul and in a beautiful setting **[picture below]**. A number of Government lawyers came to speak with us and we discussed issues with regards to the challenges in the changing of the Korean legal system, whereby the old system of judicial training is phased out as the new law school system is introduced. They also mentioned that local law firms are preparing and have prepared themselves for the full liberalisation of Korea's legal market in 2016. Currently, they have also seen a number of mainly US and some UK firms opening offices as part of the first phase of the liberalisation process. The second phase allows for fee sharing and joint ventures between foreign and local firms. We also had an introduction as to the structure of the Ministry of Justice and the roles of the many departments. One could sense that as the Korean Republic (more colloquially, of course, South Korea) has in recent months

and over the last year signed a number of trade agreements, there is the hope to build up the legal profession to handle the kind of work that will evolve in the course of increased trade.

The final visit was to the Seoul National University (SNU), a place that I have heard much of and finally could see it for myself. Interestingly, SNU Law School is a very modern campus. Much of the design, furniture and to a certain extent facilities were sponsored by local firms such as BKL. The juxtaposition between the traditional values within the education system and the modern, international aspiration features in the architecture. SNU is considered a very, if not the most, prestigious University in Korea and I could see for myself reasons why that may well be the case **[picture below]**.

For the remaining week, the schedule was split between seminars and law firm placements. A Young Arbitration Practitioners' Forum was held at the Seoul International Disputes Resolution Centre (SIDRC) to discuss issues related to arbitration and litigation through our personal experiences. All 6 barristers had a chance to speak and there was also a Q&A session with Korean practitioners. Topics discussed included differences in the use of memorandums v particulars of claim; issues with rules of evidence and discussions in relation to cultural differences and client handling. About 50 participants attended from various law firms and academia.

A round-table discussion was held at the KBA and we barristers and the Korean lawyers spoke on varied topics including international commercial litigation and arbitration. I presented a PowerPoint on the updated situation on the UK Bribery Act. The few hours of discussion did not seem sufficient to discuss all the areas of mutual interest with the members of the International Committee of the KBA.

I was placed with Lee & Ko in their Shipping department and had the opportunity to review contracts, provide opinions and take part in discussions. I also made a presentation with the title: *Introduction to the English legal system* highlighting the civil procedure rules, costs and Direct Access. It was well-attended and there was a lot of interest, particularly from lawyers who were also qualified in the US.

Like all good relationships, it takes time and effort and I was really happy to have met up with the Alumni that attended the programme last year in London and also to meet new delegates on this trip. I would encourage other members of the LCLCBA to take part in such an exchange or any other conference that is closely linked to your work.

One of the strongest impressions that I had of Korean lawyers is that they work very, very hard and some of the sacrifices that one has to make are rather surprising, yet many choose to do so. For instance, living far away from family or having to wine and dine regularly with clients after work. Having said that, one can also appreciate how their enthusiasm and energy has contributed to the growth of Korea's economy.

Highlights of the trip included dinner at the British Embassy, meeting with the KBA Alumni, visiting Busan and also experiencing delicious Korean food. Busan is Korea's second largest city, some 200 miles from Seoul and the fifth biggest (by cargo) seaport in the world.

In terms of timing, it was a very difficult time for the Korean people. The Sewol ferry accident impacted on the whole country and many people cancelled weekend trips, holidays and activities.

I am very grateful to the KBA and KBA Alumni for having, despite the issues at home, opened up their doors to us and shared with us the problems and successes of the legal profession in Korea.

I would also like to extend my thanks to the LCLCBA and the Bar Council, for their generous sponsorship, and to the British Embassy in Seoul. A further article on the BC–KBA Exchange will be found in *Counsel* Magazine and, for a more personal insight, please see helentung.blogspot.com

Helen Tung, 11 June 2014



At the KBA: (l to r) Simon Miles, Laura Newton, Ian Higgins, Mark Stiggelbout, Christian Wisskirchen, Chulwan We, Adam Boad, Helen Tung, Young Hoon Kim (Secretary General of the KBA) and Young Ik Choi



The Hall of the Supreme Court of Korea and the reunification stone



View from the Korean Ministry of Justice



The Seoul National University Law School



Myeongdong, down-town Seoul